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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,147	10/05/1999	YORK EGGLESTON	CVC-002.02	9273

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/412,147

Applicant(s)  
Eggleston et al.

Examiner  
Frantzy Poinvil

Art Unit  
2164



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 25, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17, 33, 34, 39, and 42-58 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 33, 34, 39, and 42-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Applicant's arguments are moot in view of the new grounds of rejection.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17, 33-34, 39, 42-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klug et al (US Patent No. 5,996,007) considered with Kanter (US Patent No. 5,537,314).

As per claims 1-3 and 39, Klug et al discloses a fully integrated online interactive and award redemption system. The system comprises a host computer coupled to a network; a database of the host computer (note figure 1 of the drawings) accessible from the host computer; and an automated award fulfillment application program executable on the host computer for participation in incentive programs of a plurality of providers (note column 6, lines 21-54). Klug et al also discloses providing a sponsor selected specific award item. Note column 7, lines 1-4 which is based on demographic and psychographic preferences of a sponsor-selected consumer user. Note column 6, lines 21-54 of Klug et al. Klug et al does not explicitly teach providing the sponsor-selected geographic location for fulfillment. Kanter teaches an incentive award program wherein a plurality of sponsors provide sponsor selected specific award tailored to demographic

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and psychographic preferences of a sponsor-selected consumer user and operative to provide a sponsor-selected geographic location for fulfillment. Note column 16, lines 40-62 and column 13, lines 13-20 of Kanter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Kanter into Klug et al in order to provide a sponsor selected geographic location for fulfillment whereby the sponsor company would not need to stock on goods in attempts to sell the goods listed in a catalog and deal with related problems and expenses as indicated by Kanter at column 13, lines 8-13.

As per claim 4, the system of Klug et al also comprises a user located remotely (thus a client computer of a consumer or user is present for accessing the system) and operating the automated award fulfillment. Note figure 1. The system also comprises a server for the host computer (note figure 1) and a web site located on the server of the host computer wherein the consumer may participate in incentive programs of the plurality of independent providers via the web site. A user accesses the system via the Internet thus implying accessing providers' websites.

The system comprises a user computer and a server or host computer therefore, a computer network having a first and a second workstation and being capable of transferring electronic data between the workstation wherein the first workstation is the host computer (note figure 1);

providing each of the host computer and the workstation with an application program capable of responding to input from the host computer or workstation (note column 3, lines 1-61);

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allowing a user of the host computer to operate the automated award fulfillment application program to generate an incentive program and to store the incentive program on the host computer (Note column 6, lines 21-63 of Klug et al.);

transferring a stored incentive program to the workstation and providing an address for the stored incentive program from the network would have been obvious to the skilled artisan since it is noted that the user accesses and retrieves award information from the host computer.

As per claim 5, note column 7, lines 1-15 of Klug et al.

As per claim 7, Klug et al does not explicitly teach providing a card for fulfillment of awards won in the incentive program. Such is taught by Kanter. It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce these features as taught by Kanter into Klug et al. with the motivation of providing users with a device to redeem prizes at selected stores.

As per claim 8, both references disclose that a user inputs his personal identification number. Having a memory for storing the user's PIN would have been obvious to the skilled artisan for correlation with stored PINs and also to prevent unauthorized access to the system.

As per claim 9, note column 7, lines 33-50 of Klug et al and column 18, lines 40-62 of Kanter.

As per claim 10, the combination of Klug et al and Kanter discloses having more than one programs whereby different sponsors manage different incentive programs. Note column 16,

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lines 40-63 of Kanter. The Internet in Klug et al. includes a browser coupled to the host computer.

Claims 6 and 11 contain limitations addressed in claim 1 and these limitations are rejected under a similar rationale. As per the claimed database of awards associated with the incentive program, applicant is directed to column 26 of Kanter. As per the automated award fulfillment application program for automating the fulfillment for the incentive program, Klug et al teaches the automatic fulfillment of the award. Note column 7, lines 1-21 of Klug et al and column and column 18, lines 20-50 of Kanter.

As per claim 12, Kanter discloses having a plurality of companies having different incentive programs. Note the abstract. The awards are stored in award database.

As per claim 13, note the abstract of Kanter.

As per claim 14, applicant is directed to the rejection of claim 7 above.

As per claim 15, Kanter discloses storing consumer data in a card or in a central memory.

As per claim 16, Klug et al and Kanter disclose that a user inputs his personal identification number. Having a memory for storing the user's PIN is taught by Kanter. It would have been obvious to the skilled artisan for correlation with stored PINs and also to prevent unauthorized access to the combined system of Klug et al and Kanter.

As per claim 17, note the abstract of Klug et al and column 16, lines 20-63 of Kanter.

Claims 33 and 34, contain limitations addressed in claims 18 and 22 and these limitations are addressed likewise. Claim 33 additionally recites an award association application program.

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This feature is taught on column 17, lines 2-11 of Kanter. Fulfillment application program for associating a fulfillment method is taught on column 17, lines 2-11 of Kanter. Klug et al. discloses an on-line interactive award redemption program. Note column 7, lines 1-10 of Klug et al. It would have been obvious to one of ordinary skill in the art to introduce the teachings of Kanter into Klug et al with the motivation of maintaining an account of users balance and transactions.

As per claims 42-45, the combination of Klug et al and Kanter discloses providing registration and interaction with content of a database and the automated award fulfillment application program, accessing the system via the Internet, or kiosk or computer, or at a merchant.

As per claim 46, in the system of Kanter, the plurality of providers are coupled to a network and members may be added to a member database. Award selections are made from participating vendor catalogs. Note column 22, lines 58-62 of Kanter. Accessing a sponsor's inventory would have been obvious to one of ordinary skill in the art in order to assure that a selected product is currently on stock or available to a participant. Member sponsors communicate. Note column 20, lines 42-67 of Kanter. Combining the teachings of Kanter with Klug et al would have been obvious to one of ordinary skill in the art in order to assure a participant that a prize is available before directing the prize recipient to obtain the prize.

As per claims 47-48, note the abstract of Klug et al and column 28, lines 15-45 of Kanter.

As per claims 50-51, note the abstract of Klug et al and column 28, lines 15-45 of Kanter.

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As per claim 52, note column 28, lines 15-58 of Kanter.

As per claims 53-58, note column 28, lines 15-58, column 17, lines 2-9 of Kanter and column 6, lines 23-62 of Klug et al..

The teachings of Kanter teaches receiving a user demographically tailored selection of a sponsor designated award tailored to at least one of demographic and psychographic preferences of the consumer. Kanter also teaches providing an award fulfillment system whereby customers are directed to locations to redeem prizes or awards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kanter with Klug et al in order to the customer with control of obtaining/redeeming the prize.

4.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP  
19Feb02

*FPoinvil*  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**